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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/743,756

Applicant(s)

SIMON ET AL.

Examiner

Guang Li

Art Unit

2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/09/2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.11, 12, 14, 16, 17, 27, 28, 38-40, 43, 44 and 46-57 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1.11, 12, 14, 16, 17, 27, 28, 38-40, 43, 44 and 46-57 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment date 04/09/2008
2. Claims 1, 11-12, 14, 16-17, 27-28, 38-40, 43-44 and 46-57 are presented for examination.
3. The rejections are respectfully maintained and reproduced infra for applicant's convenience.

Response to Arguments

4. Applicant's arguments filed 04/28/2008 have been fully considered but they are not persuasive.
5. Applicant argues following limitations:
 - Lavian does not disclose or suggest anything with regard to a public key identifying a network device or server and search procedure identifying the server computer using the public key." as recited in claim 1. In contrast with Lavian reference, Lavian discloses server accepting transmission for identification information as a login and password to authenticate the sever see (col.11 lines 41-43). Lavian further discloses using **public key encryption scheme** to authorize the network management application (804) see (col.11 lines 32-38). In addition, Lavian discloses authentication server have to have proper authorization to access the server to download the application "authentication server 110 may also determine if a network device within communication system 100 has proper authorization to download an application" see (col.4 lines 21-34).
 - Lavian does not disclose or suggest, "Determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running." In contract

with Lavian reference, Examiner disagree with applicant argument regarding this limitation, Examiner point out accessing local network parameter device using "loopback address", Loopback address is using for routing electronic signals, digital data streams or other flows of item from **their originating facility** quickly back to the **same source entity** without intentional processing or modification. If loopback to the same computer, therefore it is running on the CPU on the client computer

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 28, 38-39, 41 and 43-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As the specification discloses (§[0015]), "The computer- readable medium can be , for example but **is not limited to** , an electronic, magnetic, optical, **electromagnetic**, infrared, or semiconductor system, apparatus, device or **propagation medium**". Propagation media in the context of this disclosure covers signals and carrier waves, which are not fallen within the meaning of 101. The amended claim 28 does not meet the requirement of 35 U.S.C 101. For example: A **tangible** computer-readable medium can interpret as sense of carrier wave. The carrier wave is considered as transmission media are forms of energy, per se, and thus currently not believed to fall within a statutory category.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 11-12, 14, 16-17, 27-28, 38-40, 43-44 and 46-56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,795,434) in view of Lavian (US 7, 039,724).

10. Regarding claim 1, Kumar teaches a method for a client computer to find a network address of a password server computer having a public key, the method comprising:

searching for a network address (Best replicated server see Kumar: col.2 line 23) of the server computer using a backup search procedure (DNS lookup as backup search procedure "If the requested URL host name is not in the cache, the process proceeds from block 402 to block 404, where the process initiates a DNS lookup for the requested URL host name see Kumar: col.5 lines 34-37") if the address of the server computer cannot be identified using a primary search procedure (Searching the URL in the memory cache "The process proceeds to block 402 to examine whether the requested URL host name is in the local cache memory" see Kumar: col.5 lines 27-28).

Kumar does not explicitly disclose wherein the primary search procedure or the backup search procedure identifies the server computer using the public key.

Lavian teaches wherein the primary search procedure or the backup search procedure identifies the server computer using the public key (the network management application can use SSL or a public-key encryption scheme to encrypt the data see Lavian: col.11 lines 32-38). Lavian further provides the advantage of a network having network management capabilities, includes a non-application enabled network device having CLI capable of controlling one or

more network management aspects of the non-application enabled network device (see Lavian: col.2 lines 25-34).

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find a network address of a server computer of Kumar to include wherein the primary search procedure or the backup search procedure identifies the server computer using the public key as taught by Lavian.

One of ordinary skill in the art would have been motivated to make this modification in order to provide an alternate way finding network address for prevent fault tolerant and security purpose of Lavian.

11. Regarding claim 11, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 1, as described above. Kumar further comprising the step of establishing a connection with the server computer with the network address found (Once detect the most preferred server address and establish to the server "The address listed on the top of the sorted preferred list is the most preferred server address, which points to the most preferred server or the optimal site is addressed by the most preferred server address" see Kumar: col.7 lines 48-56).

12. Regarding claim 12, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 11, as described above. Lavian further comprising the step of authenticating the server computer after the connection has been established (This may include performing authentication and authorization of the user and application sees Lavian: col. 12 lines 26-33).

13. Regarding claim 14, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 11, as described above. Kumar further comprising the step of populating a local storage of the client computer with a list of network addresses for server computers after the connection has been established (update the list of the server network address "At block 854, the process sorts the addresses into a preferred list of site addresses according to the responses and data types" see Kumar: col.9 lines 14-21).

14. Regarding claim 16, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 1, as described above. Kumar further teaches wherein the primary and backup search procedures are performed in parallel (either can based on hit and miss ratio or DNS lookup "the comparing unit 506 issues a message of cache-miss to indicate that IP server addresses are not in the cache 522. Both the message of cache-miss and the message of cache-hit, which could be configured to one message, are sent to the selecting unit 510 and DNS lookup unit 508" see Kumar: col.6 lines 44-47).

15. Regarding claim 17, claim 17 is rejected for the same reasons as claim 1 set forth hereinabove. Regarding claim 17, Kumar taught the claimed method, therefore together, he teaches the claimed system (typical computer system 200 in which RSD operates. RSD can be implemented on any processor-based computer system or a system capable of implementing the Internet proxy, such as a personal computer ("PC"), a workstation, or a mainframe computer. It will be apparent to those of ordinary skill in the art that other alternative computer system architectures may also be employed see col.4 lines 4-10).

16. Regarding claim 27, claim 27 is rejected for the same reason as claim 16 as set forth hereinabove.

17. Regarding claim 28, claim 28 is rejected for the same reasons as claim 1 set forth hereinabove. Regarding claim 28, Kumar taught the claimed method, therefore together, he teaches the claimed computer readable medium.

18. Regarding claim 38, claim 38 is rejected for the same reason as claim 11 as set forth hereinabove.

19. Regarding claim 39, claim 39 is rejected for the same reason as claim 12 as set forth hereinabove.

20. Regarding claim 41, claim 41 is rejected for the same reason as claim 14 as set forth hereinabove.

21. Regarding claim 43, claim 43 is rejected for the same reason as claim 16 as set forth hereinabove.

22. Regarding claim 44, Kumar teaches a method of a client computer to locate a network address of a server computer on a computer network (The RSD further records responses from servers addressed by the server addresses and then sorts the server addresses according to the responses and types of data involved in transactions see col.2 lines 27-31), the method comprising the following steps:

searching for the address of the server computer in a local system storage of the client computer (Searching the URL in the memory cache "The process proceeds to block 402 to examine whether the requested URL host name is in the local cache memory" see col.5 lines 27-28); and

performing a backup search procedure if the address is not found in the local system storage (DNS lookup as backup search procedure "If the requested URL host name is not in the cache, the process proceeds from block 402 to block 404, where the process initiates a DNS lookup for the requested URL host name see col.5 lines 34-37"),

Kumar does not explicitly disclose the backup search procedure being selected from **a group** of search procedures including the following:

- broadcasting a message over the network to identify the address of the server computer;
- searching an authentication record for the address of the server computer (DNS lookup in the server computer for relating to the requested URL "Upon initiating a DNS lookup, DNS searches and collects addresses relating to the requested URL host name" see col.5 lines 38-40);
- using a loop back address to connect to the server computer;
- using an inter process communication to determine whether the server computer is running on a same CPU as the client computer in order to determine the network address; and
- searching a configuration record of the client computer for the address of the server computer.

Lavian teaches the backup search procedure being selected from **a group** of search procedures including the following:

- broadcasting a message over the network to identify the address of the server computer;
- searching an authentication record for the address of the server computer (after the client authenticates the server and is able to access the network address of server computer "authentication server 110 may also determine if a network device within communication system 100 has proper authorization to download an application" see col.4 lines 21-34).

using a loop back address to connect to the server computer;
using a inter process communication to determine whether the server computer is running on a same CPU as the client computer in order to determine the network address; and
searching a configuration record of the client computer for the address of the server computer.

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find a network address of a server computer of Kumar to include using authentication record to determine the network address of the server computer as taught by Lavian.

One of ordinary skill in the art would have been motivated to make this modification in order to provide an alternate way finding network address for prevent fault tolerant of Lavian.

23. Regarding claim 46, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 44, as described above. Lavian further teaches wherein:

the server computer is a password server computer (This can be accomplished by reading a predetermined segment of the transmission for identification information such as a login and password see col.11 lines 41-43) having a public key, and one or more of search procedures identifies the server computer using the public key (the network management application can use SSL or a public-key encryption scheme to encrypt the data see col.11 lines 32-38).

24. Regarding claim 47, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 44, as described above. Kumar further teaches wherein the backup search procedure is performed in

parallel with searching the local system storage of the client (either can based on hit and miss ratio or DNS lookup "the comparing unit 506 issues a message of cache-miss to indicate that IP server addresses are not in the cache 522. Both the message of cache-miss and the message of cache-hit, which could be configured to one message, are sent to the selecting unit 510 and DNS lookup unit 508" see Kumar: col.6 lines 44-47).

25. Regarding claim 48, Kumar teaches a system for finding a network address (The RSD further records responses from servers addressed by the server addresses and then sorts the server addresses according to the responses and types of data involved in transactions see col.2 lines 27-31), the system comprising:

server means having a network address (DNS server address "the RSD is configured to receive server addresses using Domain Name System ("DNS") lookup, where the server addresses include replicated server addresses see abstract); and

client means for searching for the network address of the server means by searching for the address of the server means in a local system storage of the client means (Searching the URL in the memory cache "The process proceeds to block 402 to examine whether the requested URL host name is in the local cache memory" see col.5 lines 27-28), and using a backup search procedure to identify the address of the server means if the address is not found in the local system storage (DNS lookup as backup search procedure "If the requested URL host name is not in the cache, the process proceeds from block 402 to block 404, where the process initiates a DNS lookup for the requested URL host name see col.5 lines 34-37").

Kumar does not explicitly disclose the backup search procedure being selected from a group of search procedures including the following:

broadcasting a message over the network to identify the address of the server computer;
searching an authentication record for the address of the server computer (DNS lookup in the server computer for relating to the requested URL "Upon initiating a DNS lookup, DNS searches and collects addresses relating to the requested URL host name" see col.5 lines 38-40);
using a loop back address to connect to the server computer;
using a inter process communication to determine whether the server computer is running on a same CPU as the client computer in order to determine the network address; and
searching a configuration record of the client computer for the address of the server computer.

Lavian teaches the backup search procedure being selected from **a group** of search procedures including the following:

broadcasting a message over the network to identify the address of the server computer;
searching an authentication record for the address of the server computer (after the client authenticate the server and able to access the network address of server computer "authentication server 110 may also determine if a network device within communication system 100 has proper authorization to download an application" see Lavian: col.4 lines 21-34).
using a loop back address to connect to the server computer;
using a inter process communication to determine whether the server computer is running on a same CPU as the client computer in order to determine the network address; and
searching a configuration record of the client computer for the address of the server computer.

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find a network address of a server computer of Kumar to include using authentication record to determine the network address of the server computer as taught by Lavian.

One of ordinary skill in the art would have been motivated to make this modification in order to provide an alternate way finding network address for prevent fault tolerant of Lavian.

26. Regarding claim 50, claim 50 is rejected for the same reason as claim 46 as set forth hereinabove.

27. Regarding claim 51, claim 51 is rejected for the same reason as claim 47 as set forth hereinabove.

28. Regarding claim 52, Kumar teaches a method for a client computer to find a network address of a server computer, the method comprising:

performing a primary search procedure, the primary search procedure including searching a local storage of the client computer system for the network address of the server computer (Searching the URL in the memory cache “The process proceeds to block 402 to examine whether the requested URL host name is in the local cache memory” see Kumar: col.5 lines 27-28).; and

performing a backup search procedure if the network address of the server computer is not found using a primary search procedure (DNS lookup as backup search procedure “If the requested URL host name is not in the cache, the process proceeds from block 402 to block 404, where the process initiates a DNS lookup for the requested URL host name see Kumar: col.5 lines 34-37”).

Kumar does not explicitly disclose the backup search procedure including searching a configuration record of the client computer system for the network address of the server computer.

Lavian teaches the backup search procedure including searching a configuration record of the client computer system for the network address of the server computer (Configuration class include getting and setting the IP address information for a network device "Configuration classes 908 are used to change the operating characteristics of different network devices. Common configuration processes associated with configuring a network device are included in methods defined in configuration classes 908. For example, this can include getting and setting IP address information for the network device, taking a network device up or down, or other typical network device configuration operations" see Lavian: col. 12 lines 39-46).

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find a network address of a server computer of Kumar to include the backup search procedure including searching a configuration record of the client computer system for the network address of the server computer as taught by Lavian.

One of ordinary skill in the art would have been motivated to make this modification in order to enhance the server system for dynamic IP address purpose of Lavian.

29. Regarding claim 53, claim 53 is rejected for the same reason as claim 46 as set forth hereinabove.

30. Regarding claim 54, Kumar teaches a method for a client computer to find a network address of a server computer, the method comprising:

performing a primary search procedure (Searching the URL in the memory cache “The process proceeds to block 402 to examine whether the requested URL host name is in the local cache memory” see col.5 lines 27-28); and

performing a backup search procedure if the network address of the server computer is not found using a primary search procedure (DNS lookup as backup search procedure “If the requested URL host name is not in the cache, the process proceeds from block 402 to block 404, where the process initiates a DNS lookup for the requested URL host name see col.5 lines 34-37”).

Kumar does not explicitly disclose backup search procedure searching an authentication record for the network address of the server computer.

Lavian teaches backup search procedure searching an authentication record for the network address of the server computer (after the client authenticate the server and able to access the network address of server computer “authentication server 110 may also determine if a network device within communication system 100 has proper authorization to download an application” see Lavian; col.4 lines 21-34).

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find a network address of a server computer of Kumar to include backup search procedure searching an authentication record for the network address of the server computer as taught by Lavian.

One of ordinary skill in the art would have been motivated to make this modification in order to provide alternate way to finding network address for fault tolerant purpose of Lavian.

31. Regarding claim 55, Kumar A method for a client computer to find a network address of a server computer, the method comprising:

performing a primary search procedure(Searching the URL in the memory cache “The process proceeds to block 402 to examine whether the requested URL host name is in the local cache memory” see col.5 lines 27-28); and

performing a backup search procedure if the network address of the server computer is not found using a primary search procedure (DNS lookup as backup search procedure “If the requested URL host name is not in the cache, the process proceeds from block 402 to block 404, where the process initiates a DNS lookup for the requested URL host name see col.5 lines 34-37”).

Kumar does not explicitly disclose backup search determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer.

Lavian teaches backup search determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer (using the loopback address to test whether the device is local node or not “This loopback address is a self-referential address which identifies the local network device on the network without sending packets of information over the actual network” see Lavian: col. 10 lines 44-50).

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find a network address of a server computer of Kumar to include backup search determining whether

the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer by Lavian.

One of ordinary skill in the art would have been motivated to make this modification in order to efficient using resource and testing connectivity between the nodes of Lavian.

32. Regarding claim 56, Kumar together with Lavian taught a method for a client computer to find a network address of a password server having a public key according to claim 55, as described above. Lavian further teaches wherein determining whether the server computer is running on the same CPU as the client computer comprises: using a loop back address of the server computer (using the loopback address to test whether the device is local node or not “This loopback address is a self-referential address which identifies the local network device on the network without sending packets of information over the actual network” see Lavian: col. 10 lines 44-50).

33. **Claims 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,795,434) in view of Lavian (US 7, 039,724) and in further view of Fraser (US 5,434,914).**

34. Regarding claims 57, Kumar together with Lavian taught the a method for a client computer to find a network address of sever computer, the method comprising searching for a network address of the server computer using a backup search procedure if the address of the server computer cannot be identified using a primary search procedure. Kumar further teaches primary procedure includes searching a local storage of the client computer system and determining whether the server computer is running on the same CPU as the client computer according to claim 55 as set hereinabove.

Kumar together with Lavian do not explicitly disclose determining whether the server computer is running on a CPU of the client computer comprises sending out an inter process communication to the CPU.

Fraser teaches determining whether the server computer is running on a CPU of the client computer comprises sending out an inter process communication to the CPU (communication between the components may be by means of function invocations or inter-process communications see col.8 lines 35-38). Fraser further provides the advantage of a translation of a name into a network address done in a first node of a network (see col.3 lines 14-16).

It would have been obvious to one of ordinary skill in the art, having the teachings of Kumar and Lavian before them at the time the invention was made to modify the method to find network address of server computer of Kumar to include whether the server computer is running on a CPU of the client computer comprises sending out an inter process communication to the CPU as taught by Fraser.

One of ordinary skill in the art would have been motivated to make this modification in order to provide unique way communication between the components for improve communication system in view of Fraser.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guang Li whose telephone number is (571) 270-1897. The examiner can normally be reached on Monday-Friday 8:30AM-5:00PM(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146